



PATENT  
Customer No. 22,852  
Attorney Docket No. 02481.1671-01

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Franz-Josef RUBRODER et al. ) Group Art Unit: 1646  
Application No.: 09/991,964 ) Examiner: Olga N. Chernyshev, Ph.D.  
Filed: November 26, 2001 )  
For: PROCESS FOR THE )  
STABILIZATION OF PROTEINS IN )  
COMPLEX MIXTURES DURING )  
THEIR STORAGE IN AQUEOUS )  
SOLVENTS )

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Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

### RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In an election of species requirement dated February 25, 2002, the Office requires election under 35 U.S.C. § 121 between the species of host cells recited in claims 27-31 and 57-61. Claims 27-31 and 57-61 depend from claims 25 and 55, respectively. Applicants provisionally elect, with traverse, *Escherichia coli*, claims 27 and 57. The claims of the application that read on this species include claims 23-27, 32-57, and 62-77.

Applicants traverse on grounds that it should not unduly burden or tax the Office's resources to examine all of the claims of this application at one time. The Examiner will examine the broad independent claims of the application. If the independent claims are found allowable, claims 28-31 and 58-61 will also be allowable.

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Accordingly, Applicants do not perceive an undue burden in examining all of the instant claims at once.

In any event, pursuant to 37 C.F.R. § 1.146, should the Office find the elected species allowable, Applicants respectfully request that the Office continue to examine the full scope of the subject matter of claims 25 and 55 to the extent necessary to determine its patentability, as is the duty according to 35 U.S.C. § 121.

The period for reply to this election of species requirement is extended to April 25, 2002, by a Petition for Extension of Time and a check for \$110.00 filed concurrently herewith. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 25, 2002

By: Elizabeth A. Doherty  
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